BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of
Review of the Emergency Alert System EB Docket No. 04-296

To the Commission:

The Members of the Maine State Emergency Communications Committee:
Tristan Richards, Maine Public Broadcasting Corp. ~ Broadcast Chair
Joseph Grimmig, Maine Emergency Management Agency
Lt. Raymond A. Bessette and Sgt. Donald R. Pomelow, Maine State Police
Maria P. Jacques, Emergency Services Communication Bureau, Maine Public Utilities Commission
John Jensenius, National Weather Service Field Office, Gray, Maine
Suzanne D. Goucher, President & CEO, Maine Association of Broadcasters

hereby jointly submit their comments in response to the Commission's *Notice of Proposed Rulemaking* ("NPRM") in the above captioned proceeding.

These comments will generally follow the order and format laid out in the NPRM in response to the questions therein. Numbers refer to the paragraph numbers of each relevant section of the NPRM; the numbers and text from the NPRM are shown in italics.

BACKGROUND AND GENERAL COMMENTS:

In 1994, shortly after the Commission adopted rules that replaced EBS with EAS, the Maine Association of Broadcasters invited interested and affected parties to form a State Emergency Communications Committee ("SECC") for the State of Maine. The charge of the SECC was to develop and implement a State EAS Plan. The Plan was submitted to the Commission for approval, which was granted in 1995. Appendices of the Plan were amended in 2003 to update station information and to reflect changes required or suggested by the Commission's 2002 Report and Order, such as adoption of the "CAE" (Child Abduction Emergency) alerting code. A copy of the Maine State EAS Plan is on file with the Commission.

Since the conversion from EBS to EAS, the EAS system in Maine has been used numerous times, mostly for weather emergencies such as thunderstorm warnings. It has also been used improperly from time to time[1], and the SECC has sought to correct such improper use and ensure

[1] Completely unbeknownst to members of the Maine SECC, ISO New England, the not-for-profit corporation responsible for the operation of New England's bulk power generation and transmission system, made agreements in the mid-1990s with the region's governors to issue power-shortage warnings as EAS alerts. The Maine EAS was used for this purpose during a heat wave in the summer of 1999, even though impending power shortages had been the subject of numerous news stories in the state's media for several days prior to the issuance of the alert. This was an improper use of the Maine EAS system, since the state plan calls for EAS alerts to be issued only for "sudden, unpredictable or unforeseen" incidents, "the nature of which precludes advance notification or warning."

that public officials are educated about the proper use of the system and the danger of diminished public attention that may result from its overuse.

The Maine SECC meets on a regular basis to discuss operational aspects of the Plan and developments in emergency alerting. One of our ongoing concerns is that there are two "fatal flaws" in the current EAS schema:

A. The "daisy chain" architecture of the system is based on 1950s-era AM-radio technology. It requires construction of a system of overlapping broadcast radio signals in order to relay alerts from the origination point to the affected area. While this is not a significant problem in Maine[2], it creates the potential for a broken system in other areas where lengthy chains may be required. If any link in the chain fails to relay an EAS alert, the message will not reach its final destination, thus putting life and property in jeopardy. Numerous recent technological advances – microwave, satellite, and other alternative delivery methods -- can obviate this problem; and, while there is no one-size-fits-all solution to this problem, and thus no mandate the Commission could approve that would address it in a satisfactory manner in all circumstances, the Commission can and should use its "bully pulpit" to encourage deployment of, and funding for, these alternative delivery systems. We expect that other commenters will discuss these alternatives in depth, and thus we will not detail them here.

B. There is no "voice to text" capability inherent in the current system. An originating agency enters digital coding information (the "digital burst") into a computer – name of the agency, alert code, affected area, expiration date and time of the alert – and then records a voice message giving more details about the emergency and appropriate public action or reaction. However, only the "digital burst" information gets translated into a text crawl for TV. Thus, in the case of, for example, an abducted-child alert, the voice message may contain important information describing the child, the abductor, a vehicle, and so on, but the TV text-crawl contains ONLY the bare facts that, e.g., "The Maine State Police have issued a Child Abduction Emergency alert for the entire state of Maine until 10:00 p.m. tonight." None of the descriptive information appears on the TV screen. This is a particular problem for the hearing-impaired community. Again, advances in technology can address this problem by overlaying new delivery methods such as EM Net onto the existing EAS system – and, again, the Commission should use its considerable influence to encourage deployment of, and funding for, this technology.

SPECIFIC COMMENTS:

23. Should a particular federal agency take the lead role for the future EAS?

Yes. The EAS system has suffered for too long from lack of coordinated federal management. Various agencies each have a small piece of responsibility for the system, but there is no

[2] The Maine EAS relies on the seven FM signals of the statewide Maine Public Radio (MPR) network as its State Primary station. All other stations in the state are required to monitor an MPR signal. Thus, the Maine system consists of only two links – the originating agency to MPR, and MPR to all other stations. However, even this simple architecture was put to the test during the ice storms of 1998, when the Maine Emergency Management Agency attempted to send an EAS alert and the MPR receiving station had been knocked off the air by widespread power outages. This link has since been hardened and made redundant by alternate communications relays.

overarching authority that ensures the system operates properly. Logic would dictate that authority for EAS should reside in the Federal Emergency Management Agency, with appropriate agreements in place for cooperation among other federal agencies such as the Commission and the National Oceanic and Atmospheric Administration.

24. We seek comment on whether the Commission should adopt rules to require broadcasters to make their facilities available to local emergency managers?

If "local" means "below the state level," our answer for the purpose of the EAS system is, emphatically, no. Currently, all of the broadcast stations in Maine participate in and abide by the state EAS plan, and none has sought federal "nonparticipating national" (NN) status. Broadcasters consider EAS participation as part – and a serious and vitally important part – of their public service obligation. Broadcasters also cooperate fully with local authorities to air their important messages and bulletins apart from the EAS system. The Maine EAS Plan allows for the development of local plans, with approval from the SECC, but to date none has been developed because the need for them hasn't developed. It may be entirely appropriate for geographically larger or more populous states to consider the creation of LECCs covering specific areas; again, this points up the impossibility of creating a one-size-fits-all solution to EAS.

Furthermore, in a small state like Maine, many emergency managers at the county and local level are part-time (in some cases, *very* part-time) emergency managers who wear many other hats. A small town's emergency manager may also be the volunteer fire chief, who also holds a full-time job away from the town office or fire station. In the event of a widespread emergency, it is impractical for such people to stop, create an EAS message, enter the proper codes, record a voice message, and trigger an EAS alert. More appropriately, they would – and, under our state plan, they must -- contact the Maine State Police or the Maine Emergency Management Agency, each of which has authority to issue an EAS alert on a statewide or regional basis. In that sense, broadcasters already do make their facilities available to local emergency managers; thus a further mandate in this regard is neither needed nor desirable.

And without this bottom-up "filtering" system in place, the system may fall victim to overuse, and the public may become inured to the alerts, thus jeopardizing life and property. The hallmark of EAS is its rarity. When the public hears the "squawks" of an EAS alert, they should immediately sit up and pay attention. If every local emergency manager is suddenly given direct access to EAS, it can logically be expected that improper use of the system will skyrocket, thus rendering it completely ineffective for the times when it is truly needed.

24. [P]arties should address the issue of whether there would be adverse effects from imposing some uniform requirement on broadcasters rather than allowing them to continue to make voluntary arrangements with local officials? … To avoid what broadcasters and cable operators might view as a burdensome level of program interruptions, should there be a federal rule establishing a standard regarding when state emergency managers may and must activate EAS and, if so, what should that standard be? Should use of any of the existing voluntary EAS codes be mandated?

The Commission has appropriately left it to state and local authorities to develop EAS plans that best meet their needs and situations. This flexibility is absolutely necessary if the system is to operate as it should. As examples, a tsunami warning would be totally meaningless in Maine, just as a blizzard warning would be meaningless in Hawaii, except for the very highest reaches of Mauna Kea. Demonstrating further the need for flexibility, the Maine SECC has granted permission to radio stations which operate near the southern New Hampshire border to participate in the New Hampshire EAS plan because of their proximity to the Seabrook, NH, nuclear power station.

Any "uniform requirement" would inevitably fail to take something into account, and that something might be the very thing that jeopardizes life or property. Similarly, state authorities, trained in the proper use of EAS, need the flexibility to determine whether a particular incident or situation rises to the level of an actionable EAS alert. Any federal rule governing when emergency managers may and must activate the system would deprive those managers of their proper role in managing on-the-ground emergency situations and using their best judgment as to whether or not an EAS alert is warranted in a given set of circumstances.

At present, EAS is an agile entity, able to bend and flex to meet current and emerging needs. Any "uniform requirements" imposed on the current system could only lead to rigidity, which would severely hamper the system's effectiveness.

The Maine State Emergency Communications Committee thanks the Commission for its attention to the foregoing. Because the NPRM is so sweeping and exhaustive in its review of the Emergency Alert System, the SECC reserves the right to address other issues in reply comments.

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